

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1467

IN THE MATTER OF:

Served October 31, 1975

Application of EXECUTIVE LIMOUSINE )  
SERVICE, INC., for Certificate of )  
Public Convenience and Necessity to )  
Perform Charter Operations )

Application No. 877

Application of EXECUTIVE LIMOUSINE )  
SERVICE, INC., for Temporary )  
Authority to Perform Charter )  
Operations )

Application No. 886

Consolidated Docket  
No. 290

By Application No. 886, filed October 20, 1975, Executive Limousine Service, Inc. (Executive) seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact, to transport passengers, together with mail, express, baggage and newspapers, over irregular routes, in charter operations, between points which are located within the Metropolitan District, except those points which are located solely within the Commonwealth of Virginia, limited to limousine service. Executive previously filed Application No. 877 seeking a certificate of public convenience and necessity which, if granted, would authorize the permanent performance of this transportation service. By Order No. 1457, served September 30, 1975, 1/ the Commission scheduled that application for public hearing to commence on November 24, 1975. Executive has filed a motion requesting that the hearing be postponed to any date in the month of December except December 7, 8, 9 and 10, 1975. The request is based on the unavailability of Executive's counsel on the scheduled date. In that the request is being made more than three weeks before the hearing date and that the applicant is seeking the postponement, the Commission shall grant the motion and postpone the hearing.

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1/ The proposed operations set forth in the temporary authority application are identical to the proposed operations set forth in the permanent authority application and summarized on pages 1 and 2 of Order No. 1457. A delineation of the proposed temporary authority operations is not repeated herein.

Under Title II, Article XII, Section 4(d)(3) of the Compact, the Commission must base any decision to grant temporary authority to provide a specific service upon the findings that there is an immediate and urgent need to a point or points within a territory and that there is no carrier service capable of meeting such need. So finding, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority.

Executive states that there is an immediate and urgent need for the proposed service and that no other carrier provides the same luxury limousine service. As support for its statements, Executive filed two letters from representatives of travel agencies.

According to the letter from American Journeys, Inc. (American), it has many occasions throughout the year when persons request vehicles, specifically limousines, which could accommodate more persons than the 7-passenger limousine vehicle but less than a bus. In particular, American states that it has an immediate request for five limousines of the type to be operated by Executive to transport ten persons per limousine from the Washington Hilton Hotel to the John F. Kennedy Center for the Performing Arts, and return. American states that it has contacted all the carriers in the Washington area and has been unable to locate an authorized carrier that could supply the particular luxury limousine equipment which can accommodate more than seven passengers.

According to the letter from United States Travel Agency, Inc. (United), it has many occasions for arranging tours in small groups of 10 to 14 persons. United submits that it is impractical to place such a group in chartered bus service and that many groups specifically request the smaller luxurious limousine type equipment. United states that it has been unable to find any certificated carrier in the Metropolitan District which can charter or provide limousine equipment capable of carrying more than the normal seven passengers. United also indicates that it has several requests for this type of charter service on dates prior to the scheduled hearing date on Executive's Application No. 877.

Executive also filed a list of requests for charters. Six separate parties are stated to have requested charter service. The requests span the time period from October 25, 1975, to November 29, 1975, and the vehicle sizes from 7-passenger to 14-passenger. There is no indication of the area within the Metropolitan District in which the service would be required.

Executive's Application No. 886 seeks temporary authority to provide charter limousine service between all points within the Metropolitan District except points which are solely within Virginia. The area of

permissible operation would be extensive. The support for the temporary authority application does not indicate that there is an immediate and urgent need for the proposed service between all points within the Metropolitan District. Accordingly, the Commission shall schedule a public hearing on Executive's Application No. 886 to develop an appropriate record.

Pursuant to Rule of Practice and Procedure 20-02, Executive's Application No. 886 shall be consolidated for public hearing with Executive's Application No. 877. A consolidation of these proceedings would be a convenience to the public witnesses who would appear in support of both applications. Moreover, these proceedings involve common questions of fact.

An additional aspect of Executive's applications requires mention at this point. The proposed service contains several of the facets of a taxicab service. The Compact, Title II, Article XII, Section 2(d) defines a taxicab as follows:

The term "taxicab" means any motor vehicle for hire (other than a vehicle operated, with the approval of the Commission, between fixed termini on regular schedules) designed to carry eight persons or less, not including the driver, used for the purpose of accepting or soliciting passengers for hire in transportation subject to this Act, along the public streets and highways, as the passengers may direct. (Emphasis added.)

Some of the vehicles to be used by Executive are designed to carry either seven passengers or eight passengers. The proposed service would be operated in such a manner as to provide transportation pursuant to requests. The vehicles may be subject to the directives of the passengers. Moreover, the vehicles would not be operated between fixed termini on regular schedules. Further, the rates are established on a mileage/hourly basis, similar to most taxicab rates. Accordingly, the Commission shall consider, as part of the public hearing, whether this portion of the proposed service is exempt from the certification provisions of the Compact.

THEREFORE, IT IS ORDERED:

1. That the motion to extend hearing date filed by Executive Limousine Service, Inc., be, and it is hereby, granted.
2. That Application No. 886 of Executive Limousine Service, Inc., be, and it is hereby, consolidated for the purpose of public hearing with Application No. 877 of Executive Limousine Service, Inc.

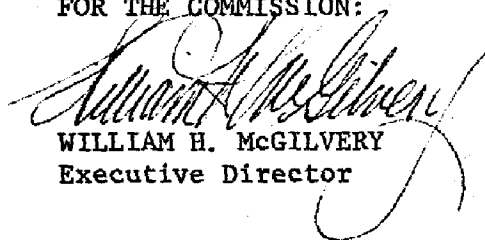
3. That the consolidated proceeding be, and it is hereby, scheduled for public hearing to commence Thursday, December 4, 1975, at 10:00 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

4. That the public hearing scheduled for Monday, November 24, 1975, at 10:00 A. M. by Commission Order No. 1457, served September 30, 1975, be, and it is hereby, cancelled.

5. That Executive Limousine Service, Inc., publish in a newspaper of general circulation in the Metropolitan District and post in each vehicle that it operates a notice in the form prescribed by the staff of the Commission of such application and hearing no later than Saturday, November 8, 1975, and present at the hearing a certificate of publication from the selected newspaper and a certification of posting.

6. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Friday, November 21, 1975, and shall mail a copy of such protest or notice to counsel of record for Executive Limousine Service, Inc., Maxwell A. Howell, Esquire, Suite 1100 Investment Building, 1511 K Street, N. W., Washington, D. C. 20005.

FOR THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director